

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY YORDY,  
Plaintiff,

v.

PLIMUS, INC.,  
Defendant.

NO. C12-0229 TEH

ORDER RE: PLAINTIFF'S  
MOTION FOR CLASS  
CERTIFICATION

With good cause appearing, IT IS HEREBY ORDERED that on or before **October 1, 2013**, Plaintiff shall file a supplemental brief that identifies each Unlimited Download Website (“UDW”) she claims was involved in Plimus’s alleged scheme, citations to any evidence of the allegedly false statements that appeared on each site, and citations to any evidence that Plimus worked on advertising or marketing for that site.

IT IS FURTHER ORDERED that the parties shall come prepared to address the following questions at the October 7, 2013 hearing, and to provide citations to the record in their responses where appropriate:

**Questions for Plaintiff**

1. If the advertising content underlying the complaint were created by a Plimus affiliate marketer, or by each UDW itself, under what theories of liability can your claims against Plimus proceed?

2. Why should the Court consider evidence that was not provided during discovery and was only submitted with your reply papers?

1           3.       How did you obtain the screenshot exhibits attached to your moving and reply  
2 papers, and how do you purport to authenticate them?


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4       **Questions for Defendant**

5           4.       What is relationship between Plimus, the affiliate marketers, and the vendors,  
6 and why shouldn't Plimus be liable for the conduct of the affiliate marketers and vendors?

7           5.       You contest only the authenticity of the screenshot exhibits Plaintiff submitted  
8 on reply, and not those submitted with her motion papers. What makes the screenshots  
9 submitted on reply any less reliable than those submitted with the moving papers?

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12       **IT IS SO ORDERED.**

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14       Dated: 09/25/13

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT